

LAW OFFICES
GOLDBERG, GODLES, WIENER & WRIGHT
1229 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036

HENRY GOLDBERG
JOSEPH A. GODLES
JONATHAN L. WIENER
LAURA A. STEFANI
DEVENDRA ("DAVE") KUMAR

HENRIETTA WRIGHT
THOMAS G. GHERARDI, P.C.
COUNSEL

THOMAS S. TYCZ*
SENIOR POLICY ADVISOR
*NOT AN ATTORNEY

(202) 429-4900
TELECOPIER:
(202) 429-4912
general@g2w2.com

October 21, 2010

ELECTRONIC SUBMISSION

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: In the Matter of Amendments of Part 90 of the
Commission's Rules, WT Docket No. 07-100
Ex Parte Notice**

Dear Ms. Dortch:

On October 20, 2010, Joseph A. Godles and Laura Stefani of this firm, counsel for Itron, Inc. ("Itron"), and Jay Holcomb, R&D Manager of Regulatory and Programs with Itron, met with Scot Stone and Rodney Conway of the Wireless Bureau and Ira Keltz and Mark Settle of the Office of Engineering and Technology.

The purpose of the meeting was to discuss the issues raised in Itron's filings in response to the Further Notice of Proposed Rulemaking ("FNPRM") in the above-captioned proceeding. These issues arise from the possibility that for wireless medical telemetry service ("WMTS") equipment would operate on a secondary basis on 1427-1432 GHz ("1.4 GHz") band spectrum licensed to Itron's customers. At the meeting, Itron made the following points:

- Itron remains concerned about the potential for interference, to both WMTS and telemetry operations, should secondary operations by WMTS be allowed in the telemetry portion of the band;
- Neither smart radio technology nor standard 1.4 GHz coordination procedures would resolve the interference issue;

- Itron's operations have been mischaracterized by another party. Itron's 1.4 GHz system transmits every two hours, plus additionally for supervisory two-way communications. In the case of large medical facilities, which typically employ multiple meter-reading end points, there could be a dozen transmissions or more every two hours that would be subject to interference from co-primary WMTS devices;
- Given the extremely short duration of Itron's transmissions, and the low power levels of Itron's "return" signal, which operates on different channels than the forward link signal, questions remain as to whether WMTS equipment are capable of sensing and avoiding the channels in use by Itron's systems;
- The presence of WMTS secondary operations would force telemetry licensees to invest time and money modifying their system design, including adding infrastructure;
- Itron has no objection to secondary operations that satisfy the requirements presented by Itron and WMTS manufacturers in the band plan they submitted to the Commission. Under the band plan, secondary WMTS operations would be permitted on a case-by-case basis if WMTS stations are located at a sufficient distance from telemetry stations and the WMTS field strength at the site of potential interference is less than 150uV/m;
- Hospitals are not well-versed in spectrum matters and are ill-equipped to draw distinctions between primary and secondary use and resolve inference issues;
- It would be difficult to displace WTMS, even if nominally secondary, once established;
- Secondary WMTS operations would have a preclusive effect on new telemetry operations, because co-channel WMTS facilities increase system planning and build-out costs for telemetry systems;
- The FCC and the FDA have shared jurisdiction. While the FDA is responsible for the safety of medical devices, the FCC is responsible for preventing interference that could endanger patient safety; and
- The information submitted by the single proponent of secondary WMTS operations is limited and does not address the technical characteristics of WMTS equipment manufactured by other companies.

Marlene H. Dortch, Secretary
October 21, 2010
Page 2

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,
/s/
Laura A. Stefani
Attorney for Itron, Inc.

cc: Scot Stone
Rodney Conway
Ira Keltz
Mark Settle